

FILED

2016 SEP 16 PM 1:23


NOTICE OF SUBSTITUTE TRUSTEE'S SALE

**COLLIN County**

**Deed of Trust Dated:** December 12, 2002

**Amount:** \$440,000.00

**Grantor(s):** GLENN P SMITH and LINDA SMITH

STACEY KEMP  
COUNTY CLERK  
COLLIN COUNTY, TEXAS  
BY:  DEPUTY

**Original Mortgagee:** PRIME LENDING, INC.

**Current Mortgagee:** WILMINGTON TRUST COMPANY AS TRUSTEE FOR THE STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2003-36XS

**Mortgagee Servicer and Address:** c/o CITIMORTGAGE, INC., 1000 Technology Drive, O'Fallon, MO 63368

Pursuant to a Servicing Agreement between the Mortgage Servicer and Mortgagee, the Mortgage Servicer is authorized to represent the Mortgagee. Pursuant to the Servicing Agreement and Section 51.0025 of the Texas Property Code, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the referenced property

**Recording Information:** Document No. 2002-0188750, re-recorded under Document No. 2004-0074200

**Legal Description:** EXHIBIT "A"

**Date of Sale:** November 1, 2016 between the hours of 10:00 AM and 1:00 PM.

**Earliest Time Sale Will Begin:** 10:00 AM

**Place of Sale:** The foreclosure sale will be conducted at public venue in the area designated by the COLLIN County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place, or if no place is designated by the Commissioners Court, the sale will be conducted at the place where the Notice of Trustee's Sale was posted.

ROBERT ORTOLANI OR SHELLEY ORTOLANI, MARY MANCUSO, LIZ HACH, CHERYL HARRIS OR JOHN PHILLIP MARQUEZ have been appointed as Substitute Trustee(s), ('Substitute Trustee') each empowered to act independently, in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust.

The Substitute Trustee will sell the Property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

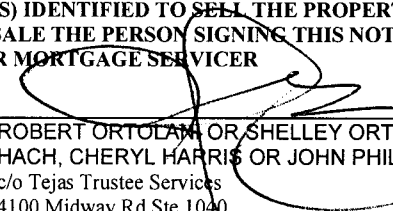
**NOTICE IS FURTHER GIVEN** that, except to the extent that the Substitute Trustee(s) may bind and obligate the Mortgagors to warrant title to the Property under the terms of the Deed of Trust, conveyance of the Property shall be made 'AS IS' 'WHERE IS' without any representations and warranties whatsoever, express or implied, and subject to all matters of record affecting the Property.

A debtor who is serving on active military duty may have special rights or relief related to this notice under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. §§ 3901 et seq.), and state law, including Section 51.015 Texas Property Code. Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice.

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER**



SARAH ROBBINS, ATTORNEY AT LAW  
HUGHES, WATTERS & ASKANASE, L.L.P.  
1201 Louisiana, Suite 2800  
Houston, Texas 77002  
Reference: 2016-015645



ROBERT ORTOLANI OR SHELLEY ORTOLANI, MARY MANCUSO, LIZ  
HACH, CHERYL HARRIS OR JOHN PHILLIP MARQUEZ  
c/o Tejas Trustee Services  
4100 Midway Rd Ste 1040  
Carrollton, TX 75007

## DESCRIPTION

## Tract 1:

BEING 29.652 acres of land, located in the Willis Roberts Survey, Abstract No. 790, Collin County, Texas, and being the same tract of land conveyed to William E. Pierce and wife, Ramona L. Pierce by the deed recorded in Volume 864, Page 324 of the Deed Records of Collin County, Texas, said 29.652 acres being more particularly described by metes and bounds, as follows:

BEGINNING at a 1/2 inch iron rod found at the Northwest corner of said Pierce Tract, being the Southwest corner of the tract of land conveyed to Edmond Montgomery and wife, Dorothy M. Montgomery by the deed recorded in Volume 2151, Page 853 of the Deed Records of Collin County, Texas, said Point of Beginning also lying in the East right of way line of Old State Highway No. 78 (a 100 foot wide right of way);

THENCE North 89 degrees 48 minutes 00 seconds East, along the common line between Pierce and Montgomery Tract at 2005.98 feet passing a 1/2 inch iron rod set on the West bank of Jaco Creek, and in all 2115.98 feet to a point in the centerline of said Jaco Creek for the Northeast corner of said Pierce Tract, and lying in the West boundary line of the tract of land conveyed to Stephen Klonowski and wife, Susan H. Klonowski by the deed recorded in Volume 2096, Page 435 of the Deed Records of Collin County, Texas;

THENCE along the meanders of said Jaco Creek, being the East boundary line of said Pierce Tract and the West boundary line of said Klonowski Tract, as follows:

South 44 degrees 31 minutes 09 seconds West, 35.60 feet;  
South 67 degrees 55 minutes 56 seconds East, 39.92 feet;  
South 32 degrees 57 minutes 05 seconds East, 19.11 feet;  
South 22 degrees 32 minutes 49 seconds West, 20.29 feet;  
South 65 degrees 32 minutes 19 seconds West, 25.43 feet;  
South 52 degrees 16 minutes 02 seconds West, 28.56 feet;  
South 31 degrees 26 minutes 27 seconds West, 4.52 feet;  
South 11 degrees 31 minutes 20 seconds East, 59.57 feet;  
South 22 degrees 01 minutes 30 seconds West, 45.70 feet;  
South 15 degrees 15 minutes 13 seconds West, 25.45 feet;  
South 05 degrees 55 minutes 48 seconds West, 19.82 feet;  
South 20 degrees 02 minutes 21 seconds East, 14.82 feet;  
South 59 degrees 21 minutes 00 seconds East, 65.25 feet;  
South 04 degrees 29 minutes 20 seconds West, 23.03 feet;

## DESCRIPTION

South 59 degrees 07 minutes 46 seconds West, 27.48 feet;  
South 47 degrees 24 minutes 52 seconds West, 22.34 feet;  
South 12 degrees 24 minutes 07 seconds East, 20.98 feet;  
South 24 degrees 54 minutes 01 seconds West, 42.48 feet;  
South 67 degrees 28 minutes 27 seconds West, 46.14 feet;  
South 46 degrees 27 minutes 38 seconds West, 20.11 feet;  
South 12 degrees 42 minutes 29 seconds East, 18.82 feet;  
South 83 degrees 56 minutes 02 seconds East, 55.20 feet;  
South 17 degrees 42 minutes 45 seconds West, 34.75 feet;  
North 87 degrees 48 minutes 17 seconds West, 39.02 feet;  
South 85 degrees 34 minutes 05 seconds West, 47.07 feet;  
South 67 degrees 50 minutes 14 seconds West, 30.61 feet;  
South 29 degrees 16 minutes 45 seconds East, 21.34 feet;  
South 31 degrees 25 minutes 48 seconds West, 15.45 feet;  
South 54 degrees 16 minutes 52 seconds West, 23.83 feet;  
South 49 degrees 10 minutes 56 seconds West, 35.56 feet;  
South 10 degrees 32 minutes 02 seconds East, 22.70 feet;  
North 89 degrees 33 minutes 25 seconds East, 46.45 feet;  
South 74 degrees 45 minutes 56 seconds East, 54.88 feet;  
South 40 degrees 47 minutes 55 seconds West, 32.60 feet;  
South 19 degrees 30 minutes 49 seconds East, 73.45 feet;  
South 11 degrees 54 minutes 57 seconds East, 81.86 feet;  
South 50 degrees 34 minutes 43 seconds West, 86.41 feet;  
South 47 degrees 11 minutes 06 seconds East, 54.22 feet;  
South 14 degrees 03 minutes 07 seconds East, 14.97 feet to a point at the  
Southeast corner of said Pierce Tract;

THENCE North 75 degrees 07 minutes 00 seconds West, departing said center of Jaco

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Creek at 9.0 feet passing a 1/2 inch iron rod set on the West top bank of said creek, and in all 2075.00 feet along the South boundary line of said Pierce Tract to a 3/8 inch iron rod found at the Southwest corner thereof, being located in the East right of way line of aforesaid Old State Highway No. 78;

THENCE North 00 degrees 25 minutes West, 358.15 feet along the West boundary line of said Pierce Tract and the East right of way line of said highway to the PLACE OF BEGINNING AND CONTAINING 29.652 acres of land, more or less.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

## Tract 2:

SITUATED in Collin County, Texas, a part of the Willis Roberts Survey, Abstract #790 and being a re-survey of a 58.934 acre tract described in a deed dated December 6, 1945, from W.P. Poor et ux, to Joe Doyle et ux, recorded in Volume 360, Page 406 of the Collin County Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake in the Northwest corner of the said tract in the East right of way line of Old State Highway #78;

THENCE North 89 degrees 48 minutes East with the North line of the said tract a distance of 2,116.0 feet to a stake in the Northeast corner of the said tract, said stake being in the center line of Jaco Creek;

THENCE in a Southerly direction downstream with the center line meanders of the said creek as follows:

South 5 degrees 51 minutes West a distance of 270.0 feet;  
South 44 degrees 54 minutes East a distance of 77.8 feet;  
South 21 degrees 11 minutes West a distance of 156.0 feet;  
South 36 degrees 57 minutes West a distance of 150.0 feet;  
South 14 degrees 06 minutes East a distance of 229.0 feet;  
South 50 degrees 01 minutes West a distance of 75.5 feet;  
South 18 degrees 50 minutes East a distance of 91.8 feet;  
South 51 degrees 29 minutes West a distance of 77.0 feet;  
South 11 degrees 30 minutes West a distance of 193.7 feet;  
South 3 degrees 48 minutes West a distance of 110.5 feet;  
South 18 degrees 48 minutes West a distance of 135.2 feet;  
North 89 degrees 30 minutes East a distance of 107.3 feet;  
South 13 degrees 58 minutes West a distance of 145.3 feet;  
South 8 degrees 55 minutes West a distance of 132.2 feet;  
South 33 degrees 28 minutes West a distance of 169.1 feet to a corner post in the mouth of a small branch entering from the West;

THENCE upstream in a Westerly direction with the center line of a small stream as follows:

North 56 degrees 30 minutes West a distance of 114.0 feet;

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North 79 degrees 30 minutes West a distance of 134.0 feet;  
North 28 degrees 00 minutes West a distance of 163.0 feet;  
North 81 degrees 30 minutes West a distance of 98.0 feet;  
North 14 degrees 00 minutes West a distance of 118.0 feet;  
South 87 degrees 15 minutes West a distance of 320.0 feet;  
North 10 degrees 30 minutes West a distance of 112.0 feet to an iron stake.

THENCE North 59 degrees 12 minutes West with an established fence a distance of 1,280.4 feet to a corner post at the Southwest corner of the said tract, said post being in the East right of way line of Old State Highway #78;

THENCE North 0 degrees 25 minutes West with the West line of the tract and the East line of the Highway a distance of 716.3 feet to the PLACE OF BEGINNING, containing 60.402 acres of land, more or less.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

SAVE AND EXCEPT THE FOLLOWING:

ALL that certain lot, tract or parcel of land, being 30,191 acres fully described hereto and made a part hereof;

Situated in Collin County, Texas, a part of the Willis Roberts Survey, Abstract #790 and being out of a 60.402 acre tract described in a Deed recorded in Volume 849, Page 327 of the Collin County Deed Records and being more particularly described as follows:

BEGINNING at an iron stake in the Northwest corner of the said tract in the East right of way line of Old State Highway #78.

THENCE North 89 degrees 48 minutes East with the North line of the said tract a distance of 2116.0 feet to an iron stake in the Northeast corner of the said tract in the center line of Jaco Creek.

THENCE in a Southerly direction down stream with the center line meanders of the said creek as follows:

South 5 degrees 51 minutes West a distance of 270.0 feet  
South 44 degrees 54 minutes East a distance of 77.8 feet  
South 21 degrees 11 minutes West a distance of 156.0 feet  
South 36 degrees 57 minutes West a distance of 150.0 feet  
South 14 degrees 06 minutes East a distance of 229.0 feet  
South 50 degrees 01 minutes West a distance of 75.5 feet  
South 18 degrees 50 minutes East a distance of 41.0 feet to a stake.

THENCE North 75 degrees 07 minutes West a distance of 2075.0 feet to an iron stake in the West line of the said tract.

THENCE North 0 degrees 25 minutes West with the West line of the said tract a

**DESCRIPTION**

distance of 358.15 feet to the Place of Beginning containing 30.191 acres of land, more or less.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

Tract 3:  
Easement Estate

A fifteen foot road easement more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found at the Northwest corner of the above-described 2 acre tract;

THENCE South 75 degrees 14 minutes 47 seconds East with the North line of said 2 acre tract 269.52 feet to the Northeast corner of said 2 acre tract;

THENCE South 00 degrees 25 minutes 00 seconds East with the East line of said 2 acre tract, 15.54 feet to a point in the said East line of said 2 acre tract;

THENCE North 75 degrees 14 minutes 47 seconds West, 269.52 feet to a point in the East line of State Highway 78;

THENCE North 00 degrees 25 minutes 00 seconds West with the line of said Highway 78, 15.54 feet to the PLACE OF BEGINNING and containing 4042 square feet or 0.09 acres of land.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE  
DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID; AND  
UNENFORCEABLE UNDER FEDERAL LAW.  
(THE STATE OF TEXAS.) (COUNTY OF COLLIN)  
I hereby certify that this instrument was filed in the File Number Sequence on this date  
and the time stamped herein by me, and was duly RECORDED in the Official Public  
Records of Real Property of Collin County, Texas on

DEC 19 2002

Helen Starnes



Filed for Record in:  
Collin County, McKinney TX  
Honorable Helen Starnes  
Collin County Clerk

On Dec 19 2002  
At 10:28am

Doc/Num : 2002- 0100750

Recording/Type:DT 49.00

Receipt #: 45137